

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**CLAUDETTE MACK**  
*Plaintiff*

v.

**JEFF MANNING**

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**CIVIL ACTION NO. 02-3916**

**PLAINTIFF'S SUPPLEMENTAL PROPOSED JURY CHARGE**

Plaintiff, by her undersigned counsel, moves this Honorable Court charge the jury in the form attached hereto, in addition to her previously submitted points for charge.

Respectfully submitted,

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**Howard D. Popper, Esquire**  
**Alan L. Yatvin, Esquire**  
*POPPER & YATVIN*  
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230 South Broad Street  
Philadelphia, PA 19102  
(215) 546-5700

*Attorneys for the Plaintiff*

April 30, 2003

**13. NUMBER OF WITNESSES<sup>1</sup>**

The weight of the evidence is not necessarily determined by the number of witnesses testifying to the existence or nonexistence of any fact. You may find that the testimony of a small number of witnesses as to any fact is more credible than the testimony of a larger number of witnesses to the contrary.

You are not bound to decide any issue of fact in accordance with the testimony of any number of witnesses that does not produce in your minds belief in the likelihood of truth, as against the testimony of a lesser number of witnesses or other evidence producing such belief in you minds.

The test is not which side brings the greater number of witnesses or takes the most time to present its evidence, but which witnesses and which evidence appeals to your minds as being most accurate and otherwise trustworthy.

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<sup>1</sup>O'Malley, Grenig & Lee, *Federal Jury Practice and Instructions*, § 104.54, West Group, 2000.

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**CERTIFICATE OF SERVICE**

The undersigned does hereby certify that he has caused the foregoing to be served on the following by Fax Delivery:

Lynne Sitarski, DCS  
Law Department, Civil Rights Unit  
1515 Arch Street, 15<sup>th</sup> Floor  
Philadelphia, PA 19102-1595

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**Alan L. Yatvin**

Date: \_\_\_\_\_